

### **Remarks**

This Amendment is in response to the Office Action dated **July 6, 2009**. Claims 1-33 are pending in the application; claims 34-37 were previously cancelled. The Office Action rejected claims 1-4 under 35 USC § 112, second paragraph; rejected claims 25-33 under 35 USC § 102 over Allen (US 2001/0016770); objected to the specification; and indicated that claims 5-24 are allowed.

By this Amendment, claims 1, 25 and 28 are amended. A listing of claims 1, 25 and 28, marked to show changes relative to the previous submission, is included at the end of this document. Applicants reserve the right to prosecute any cancelled subject matter in a subsequent related application. Reconsideration in view of the above amendments and following remarks is requested.

### **Specification**

The Office Action objected to the specification as failing to provide antecedent basis for language used in claim 16. The specification is amended herein to add a paragraph beginning at column 2, line 60, which provides an antecedent for the term at issue. This amendment is supported at least by Figure 1B. Applicants request withdrawal of the objection to the specification.

The other specification amendments shown in this Amendment were previously presented to the USPTO and considered by the Examiner. Thus, the other specification amendments listed herein are identical to those included in the Amendment filed May 30, 2007.

### **Claims**

This Amendment indicates amendments to the claims vis-à-vis the original patent, and is believed to be in full compliance with 37 CFR § 1.173.

### Status of Claims

As of the date of this Amendment, patent claims 1-15 are all pending, and added claims 16-33 are all pending. Claims 34-37 were previously cancelled.

Support for Claim Changes

The claim amendments made herein are supported at least by Figure 1B.

**Claim Rejections – 35 USC § 112**

The Office Action rejected claims 1-4 as being indefinite. These rejections are traversed; however, claim 1 is amended for clarification purposes to provide an antecedent for the term “pair.”

The Office Action alleges that the term “members” in claim 1 lacks antecedent basis. The Office Action also mentions the term “each pair of first and second arms,” alleging that the claim is directed to “one outer arm and not more than one.” See Office Action at page 2.

Applicants assert that claim 1 does provide antecedent basis for each term in the claim, and that the claim is directed to multiple pairs of first and second arms and multiple expandable looped members.

Claim 1 recites a connecting bar, then recites, “associated with **each end** of said connecting bar, a pair of arms including a first arm and a second arm...” (emphasis added). Thus, the recitation provides for a pair of arms at each end of the connecting bar (e.g. two pairs of arms), wherein each pair includes a first arm and a second arm. Claim 1 further recites, “said first and second arms having outer arm ends.” Thus, each arm includes an “outer arm end,” and contrary to the rejection, claim 1 is directed to more than one outer arm.

With respect to the term “members,” the complete term at issue is “expandable looped members.” Claim 1 recites, “an expandable looped member connecting the outer arm ends **in each pair** of first and second arms” (emphasis added). Since the claim provides for multiple pairs of arms, and recites an expandable looped member for each pair of arms, the term “expandable looped members” has a proper antecedent.

Based upon the foregoing remarks, Applicants assert that claim 1 is in compliance with 35 USC § 112. Claims 2-4 appear to have been rejected as being dependent upon a rejected base claim. Applicants request withdrawal of the rejections asserted against claims 1-4.

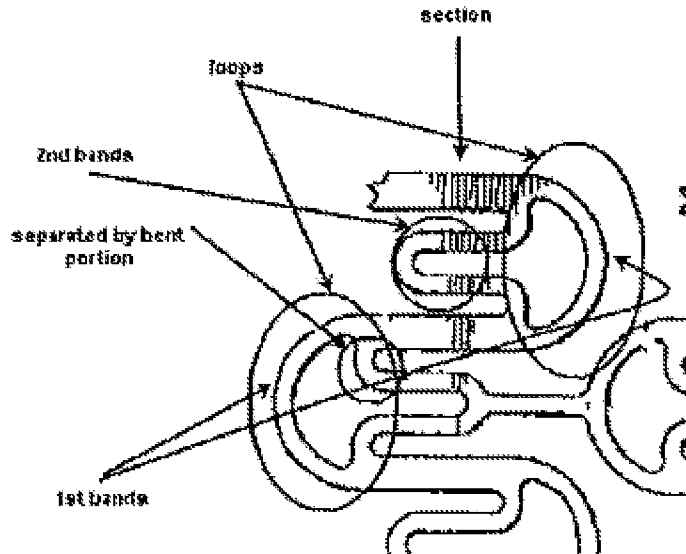
**Claim Rejections – 35 USC § 102**

The Office Action rejected claims 25-33 under 35 USC § 102 over Allen (US

2001/0016770). These rejections are discussed below with respect to the independent claims.

Independent claim 25

The Office Action provided the following marked Figure at page 4, indicating how Allen is being interpreted:

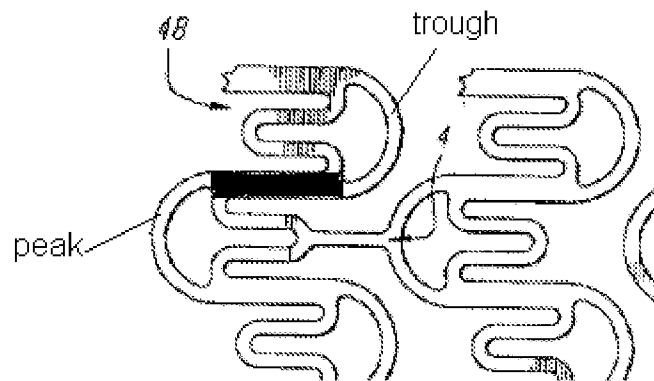


Thus, with respect to the recitation in claim 25 “each peak separated from a trough adjacent thereto by a bent portion of a loop member,” the rejection appears to indicate that since a “bent portion” in Allen is positioned between a peak and a trough, the claim limitations have been met.

Applicants note that the “bent portion” circled in the marked Allen Figure, above, is not part of the stent structure that connects the circled peak to the circled trough.

Claim 25 has been amended for clarification purposes and recites “loop members arranged to form first bands extending about the circumference of the stent, each first band comprising alternating peaks and troughs, each peak separated from a trough adjacent thereto and connected thereto by a bent portion of a loop member.” Thus, claim 25 requires the element that connects a peak to a trough to be a “bent portion of a loop member.”

The connecting portion of Allen does not meet the “bent portion” limitation of claim 25. A marked excerpt from Figure 8 is provided below, indicating a peak and a trough in a first band.

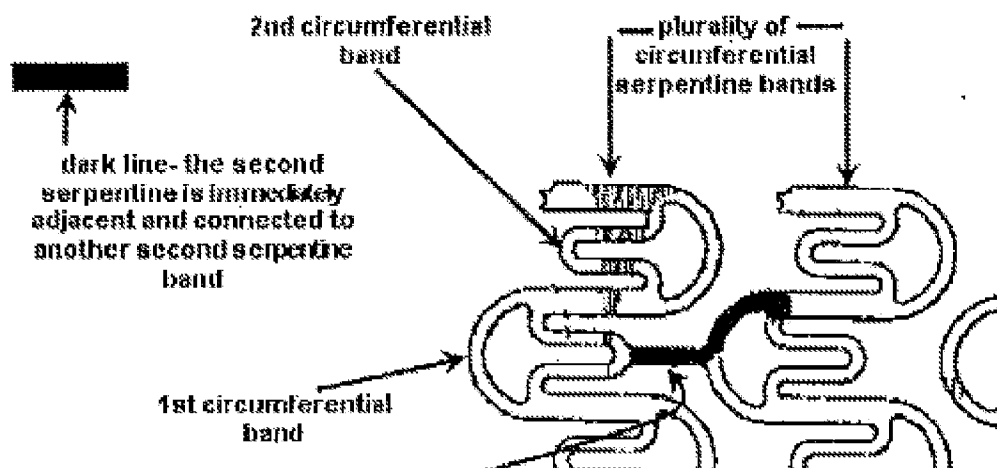


The connecting portion of the band between the peak and the trough, shaded above, is straight. Thus, the peak is not separated and connected to the trough by a bent portion as required by claim 25.

Therefore, Applicants assert that claim 25 is patentable over Allen under 35 USC § 102. Claims 26 and 27 depend from claim 25 and are patentable over Allen for at least the reasons discussed with respect to claim 25. Applicants request withdrawal of the rejection of claims 25-27 over Allen under 35 USC § 102.

Independent claim 28

The Office Action provided the following marked Figure at page 5, indicating how Allen is being interpreted.



The rejection appears to assert that the shaded connector portion in the above drawing satisfies the limitation in claim 28, "at least one second serpentine circumferential band

immediately adjacent to and connected to another second serpentine circumferential band by a longitudinal connector.”

Applicants note that the shaded connector includes curvature.

Claim 28 has been amended to recite, “at least one second serpentine circumferential band immediately adjacent to and connected to another second serpentine circumferential band by a straight longitudinal connector.”

The amendment precludes the interpretation of Allen asserted in the rejection. Allen does not disclose or suggest a “straight longitudinal connector” that connects two “second serpentine circumferential bands.”

Therefore, Applicants assert that claim 28 is patentable over Allen under 35 USC § 102. Claims 29-33 depend from claim 28 and are patentable over Allen for at least the reasons discussed with respect to claim 28. Applicants request withdrawal of the rejection of claims 28-33 over Allen under 35 USC § 102.

**Conclusion**

Based on at least the foregoing amendments and remarks, Applicants respectfully submit this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-33 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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Marked Version Showing Changes Relative to Last Amendment

1. A unit cell for use in a stent adapted to be expanded to conform to the dimensions of a vessel, comprising;

(i) an elongate connecting bar extending in a direction normal to the direction of stent expansion,

(ii) associated with each end of said connecting bar, a pair of arms including a first arm and a second arm, each arm being attached to the connecting bar associated end at an inner arm end for pivotal movement away from one another with stent expansion, said first and second arms having outer arm ends which are moved outwardly, with respect to the connecting bar, with such pivotal movement, and

(iii) an expandable looped member connecting the outer arm ends in each pair of first and second arms, said looped member having an axial component length as measured in an axial direction from an axial outward extremity to an axial inward extremity, wherein the axial component length reduces with stent expansion,

said arms and expandable looped members being constructed and dimensioned so that the axial outward distance traveled by the arms' outer ends in each pair of first and second arms is approximately equal to the reduction in length of the axial component length of the associated looped member as the stent is expanded.

25. A stent comprising a plurality of sections, each section comprising a plurality of loop members, the loop members arranged to form first bands extending about the circumference of the stent, each first band comprising alternating peaks and troughs, each peak separated from a trough adjacent thereto and connected thereto by a bent portion of a loop member, first bands which are adjacent one another within a section separated one from the other by a second band, each second band connected to each first band adjacent thereto, said second bands shaped differently from said first bands, a distal most first band of one section adjacent to and connected to a proximal most first band of another section by a longitudinally extending connecting segment, the longitudinally extending connecting segment connected at a first end to a distal portion of the distal most first band and connected at a second end to a proximal portion of the proximal most first band, wherein a first band of a section is located at an end of the stent.

28. A stent comprising a plurality of circumferential serpentine bands including first circumferential serpentine bands and second circumferential serpentine bands, the first circumferential serpentine bands having a width in excess of the width of the second circumferential serpentine bands, circumferential serpentine bands which are adjacent one another connected one to the other, at least one second serpentine circumferential band immediately adjacent to and connected to another second serpentine circumferential band by a straight longitudinal connector.